IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1202 OF 2004
IN
SUIT NO.1377 OF 2003

Dr.Hastimal Mohanlal Jain .. Plaintiff

Vs.

M/s.P.R.Enterprises .. Defendant

And

Pandurang Gangaram Jalgaonkar
& Ors. .. Applicants

Mr.N.J.Devashree for the plaintiff

CORAM : S.U.KAMDAR, J

DATED : 25TH APRIL 2005

P.C.:

. The present chamber summons is taken out by the applicant no.1 and 2 who are claiming to be the purchasers of Flat being Flat No.204 in B-Wing, 2nd Floor of Padmavati Darshan by registered agreement of sale dt.18.7.02. Plaintiff in the present case is also seeking specific performance of the very same flat. Thus, both the plaintiffs and appliants are claiming to be the purchasers of the said flats. The application has been opposed by the plaintiff on the ground that the applicant should

file their own suit for specific performance and cannot be added as parties in the present suit. It is also contended that it is the plaintiff who can choose to whom he should implead as parties to the suit and court cannot interfere with the same. In my opinion, both the aforesaid grounds have no merits. Firstly, because though it is true that the decree for specific performance in favour of the applicant cannot be passed in this suit. Still the applicants are required to be added as parties so that a claim for specific performance cannot be decreed which would ultimately affect their rights and lead to multiplicity of proceedings. The second contention is equally without any merits in view of the provision of order I Rule 10. In my opinion since both the plaintiff and defendants are claiming rights in respect of the same flat applicants are necessary and proper parties to the suit. Application is made absolute. Plaintiff is directed to add applicant as party defendant to the present suit. Amendment to be carried out within 2 weeks. Chamber Summons disposed of accordingly.